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That "Germany" of Our Own Below the Mason-Dixon Line

I think we had better stop worrying so much about the Germans and start worrying about ourselves. The lack of moral indignation about the failure of a Biloxi Federal Grand Jury to indict anyone in the Poplarville, Miss., lynching is appalling. We have come to take the racism of the South entirely too much for granted, even when it assumes the form of letting mob murder go unpunished and even when connived in by State officials sworn to uphold the law. If I were a Negro I would feel very bitter about the ability of our press and public to spring to arms at the mere suggestion of racism in Germany while remaining indifferent to the full blown variety in our own South.

If A Jew Had Been Lynched in the Reich

Let me transpose the facts to bring them home to our blunted sensibilities. Let us suppose that a Jew were lynched by a mob in Germany, that the Federal secret police investigated and identified the lynchers, that the secret police found that State officials had connived in the lynching. Let us suppose that first a State grand jury and then a Federal grand jury refused to indict, that the former was applauded by local officials for refusing even to look at the secret police report and that the latter also declined to act. Let us suppose that a juror revealed (as one juror did to Stan Opotowsky in the *New York Post,* Jan. 15) that few of the 32 witnesses were willing to talk, some of them in fear of reprisals from racists in their home community. Let us suppose that the chief of the secret police chose this moment, not to denounce racism and the miscarriage of justice, but to join hands with a leading racist in the Bundestag in issuing a hysterical report about the danger of Communism. It is easy to imagine what our press would be saying about such a Germany.

Anti-Semitism Not The Only Dangerous Racism

It is true that we and the rest of the world are sensitive to anti-Semitism in the Reich because its use as a political tool before has cost the world dearly. But Germany is not the only place nor is anti-Semitism the only form in which racism can be exploited for sinister purposes. Anti-Fascist German novelists before the war, writers like Remarque, Ernst Glaeser and Heinrich Mann, portrayed a pre-Hitler Reich with features familiar in our own South—small town communities run by racist bullies in which good citizens were afraid to speak out, a youth innured to brutality, an attitude which regarded another race as subhuman and thereby prepared the public mind to accept slave labor and such horrors as the crematorium. There is a "Germany" uncomfortably close at hand, a danger to democracy in our own country.

Perhaps because it is so close at hand, we are afraid to look at it closely. When the news from Biloxi came over the news ticker on Thursday afternoon, Senator Javits of New York was one of the few members of Congress to put out a comment. He called for passage of an anti-lynch bill. This seemed under the circumstances almost inane. If Southern juries cannot be trusted to indict under one Federal law, what's the good of passing another? Congress did not meet again until Monday, and Monday the whole affair seemed to be forgotten. There was no rush to sign the civil rights discharge petition in the House in order to demonstrate indignation; the campaign for the discharge petition was still lagging. No one in either House—not even the three Negro members of Congress—rose to speak on the subject. The only "extension of remarks" which dealt with it was by Mr. Colmer of Mississippi who put in an editorial picturing Poplarville as "a town with a culture, staging annual flower shows, musicales, religious meetings, band concerts, athletic events and other things that contribute to the inner man."

J. Edgar Mum As Usual on Lynching

In the Senate, Bridges of New Hampshire put into the record a report J. Edgar Hoover had made that week-end to the Senate Internal Security Committee. It did not, of course, deal with the dangers of racial lawlessness in the South. It dealt with the 17th annual convention of the Communist Party, USA, a dwindling sect of elderly sectarians only Mr. Hoover takes seriously as a menace. "Mr. Hoover," said Senator Eastland in releasing the report, "sees danger signals in recent developments, and in this statement he has put America on notice." It turned out that the recent development which most alarmed Mr. Hoover was the visit of Premier Khrushchov. Are an Eastland and a Hoover in our government any less noxious than an Oberlaender and a Schroeder in Adenauer's? The blindly beneficent eye toward racism, the monomania about communism, are the same on both sides.

Worse Than The Missile Gap

No one would dare to *think* this in Congress. No one even deplored the inability to punish lynchers. Except for the *New York Post,* no newspaper was interested in digging below the surface of the news from Biloxi. The day's speeches in Congress were largely devoted to the missile gap. It looks as if this will be the main issue in the coming presidential elections —whether we or the Russians have the bigger missiles. Even writers so august as Walter Lippmann seem to be hinting that our prestige in the eyes of the rest of mankind depends on whether we have the "moral fibre" to sacrifice luxuries in order to build more destructive weapons. No one rises to suggest that the rest of the world may judge us by other gaps, like the gap between our preachment about freedom and our acquiescence in racist mob violence.

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Leak to the New York Times Tests "New" Industrial Security Program

Justice Dept. Puts Some Window Dressing on the Faceless Informer System

The Department of Justice seems to have used the *New York Times* last Monday Jan. 16 to leak an advance story on a new industrial security program. Perhaps the motive was to test public reaction. The headline and the lead were deceptively optimistic. The former said workers in defense plants were to get new rights and the latter said the new program would make "significant concessions to the principle that suspects should be able to confront their accusers."

The concessions, when the story got down to the details, did not seem very significant. At present in security-loyalty proceedings, accused persons are allowed to confront and cross-examine any accuser who cares to appear against them. But the accused has no right to cross-examine either the professional informers or the "casual informants" of the FBI and other investigative agencies.

The Same Exceptions As Before

Under this new program, the right of confrontation would be subject to two exceptions (1) professional informants of the kind the FBI has planted in radical organizations and (2) casual informants. The only difference would lie in some window-dressing requiring certification that the casual informant could not appear because of "death, severe illness or some other good and sufficient cause." The good and sufficient cause always cited by the FBI is that people would not talk freely about friends and neighbors unless assured that their identities would be kept confidential.

Some such window dressing is required because the Supreme Court last June in the Greene case refused to permit faceless informer procedures in security screening for industrial employment (see box below). The Court ruled 8-to-1 that such procedures could not be used in the absence of specific authorization by statute or executive order. A majority of five, speaking through the Chief Justice, indicated fundamental hostility to such procedures even if so authorized. Three other Justices, Harlan, Frankfurter and Whittaker declined to pass on the issue in advance.

The Justice Department is caught between a hostile court and an FBI hostile to the disclosure of its informants. The result seems to be an executive order which (it is hoped) can be sold the Court and public opinion as a reform without making any real change in the existing system. The *New York Times* itself in an editorial next day expressed misgivings about the generous loopholes in the new program and said the real question is "which is the more important to our security: the eternal rights and liberties that characterize a free country or the convenience of a few transient officials."

We hope this leak will stir counterpressure. An investigation of the faceless informer system by Congress is long overdue. This is a job Senator Hennings and his Constitutional Rights subcommittee ought to take on. Some committee ought to make available a study of (1) the court and administrative cases which have shown how many of the professional informants of the FBI turned out to be perjurers and psychopaths and (2) the large volume of evidence which indicates how often the system of promising anonymity to friends and neighbors encourages irresponsible gossip and loose accusation.

A related question is equally important. Is it necessary to industrial security to collect rubbish—anonymous or documented—on whether a job applicant patronizes a liberal bookshop, subscribes to a good music station or belongs to some Left-liberal organization? Isn't it time we got back to punishing people for unlawful acts rather than blacklisting them for opinions and associations?

The Danger of A "Big Brother" System

"Furthermore, in considering the public interest in the preservation of a system under which unidentified informers are encouraged to make unchallengeable statements about their neighbors, it is not amiss to bear in mind whether or not we must look forward to a day when substantially everyone will have to contemplate the possibility that his neighbors are being encouraged to make reports to the FBI about what he says, what he reads and what meetings he attends . . . The time has not come when we have to abandon a system of liberty for one modelled on that of the Communists."

—Judge Pope, U.S. Court of Appeals, 9th Circuit, Oct. 26, 1955, holding unconstitutional the faceless informer hearings of the Magnuson Act, establishing screening procedures for the merchant marine. This decision, the first to uphold the right of confrontation in security cases, was never appealed to the Supreme Court by the government perhaps because it feared an adverse decision.

What Chief Justice Warren Said Last Year of the Right to Face Accusers

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue.

"While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the Sixth Amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.'

"This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases but also in all types of cases where administrative and regulatory action were under scrutiny . . . Under the present clearance procedures not only is the testimony of absent witnesses allowed to stand without the probing questions of the person under attack which often uncover inconsistencies, lapses of recollection and bias, but in addition even the members of the clearance boards do not see the informants or know their identities, but normally rely on an investigator's summary report of what the informant said without even examining the investigator personally."

—Chief Justice Warren, in Greene v. McElroy, June 29, 1959, decided 8-to-1.

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Defense and AEC Energetic Against Agreement; State Dept. For But Lackadaisical

Four Places to Prod For Action to Save the Nuclear Test Talks

Some points at which readers might press to help prevent a breakdown in the nuclear test negotiations:

1. *The Democratic Advisory Council.* On Dec. 5 it issued a statement advocating a "National Peace Agency", authorized among other things, to direct studies in improved methods of nuclear detection. The failure of the Defense Department to implement the Berkner Panel recommendations last March for a 3-year program in seismology dramatically illustrates the need for such a "peace agency." Why is the Democratic Advisory Council silent? Why doesn't it point to the foot-dragging at Defense?

Speed Only on Project for Obstruction

2. *Senator Clinton P. Anderson,* chairman of the Joint Congressional Committee on Atomic Energy. Last June 25, according to material just obtained by the *Weekly* from the Joint Committee, Senator Anderson wrote the President's Science Assistant, Dr. Killian, stressing the urgency of implementing the Berkner Panel recommendations and offering his help "in the event additional appropriations by the Congress is required." Copies were sent by the Senator to the Secretaries of State and Defense, and to the Chairman of the AEC. The rather inconclusive replies from Dr. Killian are interesting in one respect. At the time he wrote, the Berkner recommendations had been available within the Administration for more than three months *but the only specific research project which Dr. Killian could cite as actually underway was the testing by non-nuclear high explosives underground of Teller's "deep hole" muffling theory.* Senator Anderson could accomplish a great deal if he followed through on these letters and demanded a full accounting. Unfortunately he seems to have been won over in the interim to a resumption of testing.

3. *Senator Hubert H. Humphrey.* As chairman of the Senate disarmament subcommittee, he could force action on the Berkner Panel recommendations by public hearings to find out what has happened to them, particularly to that portion of the recommendations which called for the setting up of a pilot model to test the Geneva inspection system.

4. *The State Department.* In a little noticed Senate speech Jan. 11 Senator Church (*D. Idaho*) made public a letter he had sent Secretary Herter suggesting joint East-West research in improving nuclear detection. The speech called attention to the "package" proposal put forward by the Russians Dec. 14 which agreed to accept the Western formula for the manning of inspection posts (one-third West, one-third Soviet, one-third neutral) if we would accept their plan for the control commission (3 Western, 3 Soviet and 1 neutral). The State Department has yet to formulate its reply to this compromise offer and to the Macmillan-Khrushchov proposal for a quota of veto free inspections. According to the *London Times* (Jan. 16) from Geneva, Mr. Tsarapkin said that if agreement could be reached on a quota, it would be easy to agree on the criteria for determining what was a "suspicious event" eligible to inspection. Sir Michael Wright suggested provisional criteria be agreed upon pending further research in the means of detection. When is State Dept. going to make up its mind about these fruitful possibilities for compromise? Defense and AEC, which don't want an agreement, are being energetic in developing obstacles; State, which is supposed to be for an agreement, is half-hearted.

Britons Here for "Big Hole" Tests

A delegation of British scientists has arrived in this country for joint tests in the Carey Co. salt mines near Winnfield, La., designed to demonstrate the practicality of the Teller theory that nuclear tests can be "muffled" in large underground chambers. The AEC "gave out" the news after inquiries from the London News Chronicle but did so only by reading an announcement to Reuter's and the American wire services. No press release was sent out to the AEC's usual list. The result was a minimum of publicity.

Manchester Guardian Science Editor Supports Soviet Critique of U.S. Data

The President at Augusta accused Soviet scientists at Geneva of refusing to consider data presented by our side on the Hardtack series of underground nuclear explosions and of using technically unsupportable arguments. A different view was expressed by the science editor of the Manchester Guardian in a half page study of the technical issues Jan. 5 which has just become available in this country. We give a key section here:

"The Russian reply to these assertions [that the Hardtack results showed it would be much more difficult than had earlier been believed to distinguish underground nuclear blasts from earthquakes—IFS] at the meetings of Working Group II has been virulent and—so far as it is possible to judge from the information available from American sources—at least partly justified.

"Some of the detailed and apparently valid criticism made by the Russians at Geneva are that the seismometers used were not adjusted for sensitivity in the recommended frequency range, that at 28 of the stations the seismometers were not calibrated, and that arrays of ten seismometers working together were not installed at any of the stations (at two stations arrays of four were used).

"Another serious criticism was of the American attempt to infer the relationship between the seismic signals and the size of the explosion from data which included measurements made within the shadow zone. This procedure, which is not good seismological practice, would have underestimated the ease with which explosions could be detected and the Russians, working more correctly with the raw American data, were able to calculate that the seismic magnitude of the Blanca shot (one of the Hardtack series [the biggest in fact] and equivalent to 17 kilotons) was such that any revision of the 1958 experts' report should be in an optimistic direction."

This reference to "optimistic direction" becomes clear if one examines some figures on the number of earthquakes to be expected in the range of small kiloton shots. The experts conference at Geneva in 1958 had estimated 10,000 a year in the range of one kiloton. On Jan. 5, 1959, our experts claimed the new Hardtack series of tests showed that this estimate should be increased to 26 000, thus enormously increasing the difficulties of distinguishing underground shots from earthquakes. At the new technical conference last month, the U.S. revised this downward to 15,000, but admitted that the real number might vary from 7,500 to 30,000. The Russians insisted that our new data, properly evaluated, would give an estimate of only 3,000 earthquakes in that range.—IFS.

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Kennedy, Like Ike, Brave on McCarthy But Only Post Mortem

That "New" Japan Is About As New As That "New" Germany

No statesman ever spoke more rashly than Mr. Eisenhower in his reference to the new Japanese treaty as an "indestructible partnership"; the new treaty is distinguished by the number of trouble-breeding questions it leaves unsettled; the new Japan, by the extent to which it resembles the one we had to fight. The big monopolistic family combines are back; so are the notorious thought police. An interesting concession to Japanese public opinion in the final communique was the expressed hope "for an early agreement" on cessation of nuclear tests. . . . At the other end of the old Berlin-Tokyo axis, we note that while West Germany is blaming neo-Nazi outbreaks on East German plotters, the East German regime (*London Times,* Jan. 14) is blaming its outbreak of swastika-daubing on plotters from Bonn.

On The "Delicate Subject" of Germ Warfare

At his press conference Jan. 13, Mr. Eisenhower said "so far as my own instinct is concerned" he would be against using gas or germ warfare unless first utilized by an enemy. But on Dec. 31, in reply to a letter from Congressman Kastenmeier (*D. Wis.*), the President said cryptically that the Defense Department was "reviewing the status of this matter." Mr. Kastenmeier asked for reaffirmation of long-standing policy pledging the U.S. not to use CBR [chemical, bacteriological or radiological] warfare first. Mr. Kastenmeier has introduced H. Con. Res. 433 to have Congress affirm this. Secretary of Defense Gates in his appearance before House Appropriations on the new 1961 Defense budget admitted that emphasis on CBR is being increased but specific information was classified on the ground that—as Mr Gates explained—"it is a very delicate subject."

Struggle over McCarthy Too "Intense" for Kennedy

While Senator Kennedy was telling the National Press Club what a big, bold President we need (and he would make), his biographer, James MacGregor Burns, was explaining why he failed to take a position on McCarthy. "The intensity of the struggle offended him," Prof Burns writes tactfully. "He was consistent in his non-commitment." A story by Peter Edson in the Scripps-Howard press (Jan. 5) told how Kennedy's father "hit the ceiling" when his son was asked to sign an anti-McCarthy advertisement with a group of Notre Dame professors in 1953, and drove the sponsor of that idea, Gardner Jackson, out of the Kennedy home with an anti-Semitic tirade. Mr. Edson says the Senator was preparing to vote for censure in 1954 when he was hospitalized. Gardner Jackson in a letter of protest published by the *Washington Daily News* Jan. 13 says Kennedy wasn't too sick to let his position be known. While in the hospital Kennedy wrote his "Profiles of Courage", other people's courage, that is.

Eden's Portrait of Walter S. Robertson

"Meanwhile Mr. Robertson [then Assistant Secretary of State for Far Eastern Affairs, more recently head of the U.S. delegation to the UN General Assembly], whose approach to these questions is so emotional as to be impervious to argument, was keeping up a sort of 'theme song' to the effect that there were in Indochina some 300,000 men who were anxious to fight against the Vietminh and were looking to us for support and encouragement. I said that if they were so anxious to fight I could not understand why they did not do so. The Americans had put in nine times more supplies of material than the Chinese, and plenty must be available for their use."

—Sir Anthony Eden's memoirs of the 1954 crisis in Indochina, The Times (London) Jan. 12.

Now That McCarthy's Safely Dead

Senator Kennedy is very much like Mr. Eisenhower. Both were afraid to oppose McCarthy when he was alive. Now that he is dead and the revolt of the academic community has made the issue safe, the President in his new budget message joins Kennedy in supporting the Kennedy-Clark bill to repeal that provision of the National Defense Education scholarship oath which requires an applicant to swear he does not belong to any subversive organization. Passage of the repealer at this session now seems assured.

Hat's Off: To Otto Preminger for defying the Hollywood blacklist and announcing he has hired Dalton Trumbo.

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